

SA 1737. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle C of title II of division C, add the following:

SEC. 3260. MANDATORY REVIEW OF CONTINUED NATO PARTICIPATION IN EVENT STANDING EUROPEAN ARMY IS ESTABLISHED.

Not later than 90 days after determining that the European Union has established a standing European Army, the President shall, in conjunction with the Secretary of Defense and the Secretary of State, conduct a review of the benefits, risks, and costs of continued United States participation in the North Atlantic Treaty Organization (NATO).

SA 1738. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle A of title II of division C, insert the following:

SEC. 32 . . . REQUIREMENT FOR AN AUTHORIZATION FOR USE OF MILITARY FORCE.

The President may only introduce members of the Armed Forces into hostilities in or on behalf of Taiwan—

(1) if Congress has enacted an authorization for the use of military force for such purpose; or

(2) for not more than 30 days to repel a sudden attack, or the concrete, specific, and immediate threat of such a sudden attack, upon the United States, its territories, or possessions, its armed forces, or other United States citizens overseas.

SA 1739. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

In section 3209, strike subsections (c) through (h) and insert the following:

(c) **OFFICE LIAISONS.**—The Secretary of Commerce and the Secretary of the Treasury shall each appoint, from within their respec-

tive departments at the level of GS-14 or higher, liaisons between the Office and the Department of Commerce or the Department of the Treasury, as applicable, to perform the following duties:

(1) Collaborate with the Department of State on relevant technology initiatives and partnerships.

(2) Provide technical and other relevant expertise to the Office, as appropriate.

(d) **MEMBERSHIP.**—In addition to the liaisons referred to in subsection (c), the Office shall include a representative or expert detailee from key Federal agencies, as determined by the Secretary of State.

(e) **PURPOSES.**—The purposes of the Office shall include responsibilities such as—

(1) creating, overseeing, and carrying out technology partnerships with countries and relevant political and economic unions that are committed to—

(A) the rule of law, freedom of speech, and respect for human rights;

(B) the safe and responsible development and use of new and emerging technologies and the establishment of related norms and standards;

(C) a secure internet architecture governed by a multi-stakeholder model instead of centralized government control;

(D) robust international cooperation to promote an open internet and interoperable technological products and services that are necessary to freedom, innovation, transparency, and privacy; and

(E) multilateral coordination, including through diplomatic initiatives, information sharing, and other activities, to defend the principles described in subparagraphs (A) through (D) against efforts by state and non-state actors to undermine them;

(2) harmonizing technology governance regimes with partners, coordinating on basic and pre-competitive research and development initiatives, and collaborating to pursue such opportunities in key technologies, including—

(A) artificial intelligence and machine learning;

(B) 5G telecommunications and other advanced wireless networking technologies;

(C) semiconductor manufacturing;

(D) biotechnology;

(E) quantum computing;

(F) surveillance technologies, including facial recognition technologies and censorship software; and

(G) fiber optic cables;

(3) coordinating with such countries regarding shared technology strategies, including technology controls and standards, as well as strategies with respect to the development and acquisition of key technologies to provide alternatives for those countries utilizing systems supported by authoritarian regimes;

(4) coordinating the adoption of shared data privacy, data sharing, and data archiving standards among the United States and partner countries and relevant economic and political unions, including complementary data protection regulations;

(5) coordinating with other technology partners on export control policies, including as appropriate through the Wassenaar Arrangement On Export Controls for Conventional Arms and Dual-Use Goods and Technologies, done at The Hague December 1995, the Nuclear Suppliers Group, the Australia Group, and the Missile Technology Control Regime; supply chain security; and investment in or licensing of critical infrastructure and dual-use technologies;

(6) coordinating with members of technology partnerships on other policies regarding the use and control of emerging and foundational technologies through appropriate restrictions, investment screening,

and appropriate measures with respect to technology transfers;

(7) coordinating policies, in coordination with the Department of Commerce, around the resiliency of supply chains in critical technology areas, including possible diversification of supply chain components to countries involved in technology partnerships with the United States, while also maintaining transparency surrounding subsidies and product origins;

(8) sharing information regarding the technology transfer threat posed by authoritarian governments and the ways in which autocratic regimes are utilizing technology to erode individual freedoms and other foundations of open, democratic societies;

(9) administering the establishment of—

(A) the common funding mechanism for development and adoption of measurably secure semiconductors and measurably secure semiconductors supply chains created in and in accordance with the requirements of section 9905 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283); and

(B) the multilateral telecommunications security fund created in and in accordance with the requirements of section 9202 of such Act; and

(10) collaborating with private companies, trade associations, and think tanks to realize the purposes of paragraphs (1) through (9).

(f) **REPORT.**—Not later than one year after the date of the enactment of this Act, and annually thereafter for the next 3 years, the Secretary of State, in coordination with the Director for National Intelligence, shall submit an unclassified report to the appropriate congressional committees, with a classified index, if necessary, regarding—

(1) the activities of the Office, including any cooperative initiatives and partnerships pursued with United States allies and partners, and the results of those activities, initiatives, and partnerships; and

(2) the activities of the Government of the Peoples' Republic of China, the Chinese Communist Party, and the Russian Federation in key technology sectors and the threats they pose to the United States, including—

(A) artificial intelligence and machine learning;

(B) 5G telecommunications and other advanced wireless networking technologies;

(C) semiconductor manufacturing;

(D) biotechnology;

(E) quantum computing;

(F) surveillance technologies, including facial recognition technologies and censorship software; and

(G) fiber optic cables.

(g) **SENSE OF CONGRESS ON ESTABLISHING INTERNATIONAL TECHNOLOGY PARTNERSHIP.**—It is the sense of Congress that the Secretary of State should seek to establish an International Technology Partnership for the purposes described in this section with foreign countries that have—

(1) a democratic national government and a strong commitment to democratic values, including an adherence to the rule of law, freedom of speech, and respect for and promotion of human rights;

(2) an economy with advanced technology sectors; and

(3) a demonstrated record of trust or an expressed interest in international cooperation and coordination with the United States on important defense and intelligence issues.

(h) **CONTRIBUTION REQUIREMENT.**—Any agreement formed with one or more countries on a bilateral or multilateral basis under this section shall require, at minimum, that the other country or countries collectively share at least 50 percent of the costs associated with the partnership.

(i) TREATY REQUIREMENT.—Any agreement to form a partnership under this section shall be formalized as a treaty subject to the advice and consent of the Senate.

SA 1740. Mr. LEAHY (for himself and Mr. TILLIS) submitted an amendment intended to be proposed by him to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. OWNERSHIP AND ASSIGNMENT OF PATENTS.

Section 261 of title 35, United States Code, is amended—

(1) by striking the first undesignated paragraph and inserting the following:

“(a) IN GENERAL.—

“(1) ATTRIBUTES OF PERSONAL PROPERTY.—Subject to the provisions of this title, patents shall have the attributes of personal property.

“(2) REGISTER OF INTERESTS.—The Patent and Trademark Office shall—

“(A) maintain a register of interests in patents and applications for patents;

“(B) record any document related thereto upon request;

“(C) not later than 90 days after the date on which a patent, or any interest in a patent of not less than 10 percent (in the aggregate), is assigned to any foreign entity or person, require the recording of that assignment; and

“(D) maintain a publicly accessible database that is digitally searchable by fields based on patent number, assignee, assignor, assignment date, and other criteria established by the Office.

“(3) EFFECT OF FAILURE TO COMPLY.—No party may recover, for infringement of a patent in any litigation, any monetary damages for any period in which ownership with respect to the patent is not properly recorded in accordance with the requirements of this subsection.”;

(2) in the first undesignated paragraph following subsection (a), as so designated by paragraph (1) of this section, by striking “Applications” and inserting the following:

“(b) APPLICATIONS.—Applications”;

(3) in the first undesignated paragraph following subsection (b), as so designated by paragraph (2) of this section, by striking “A certificate” and inserting the following:

“(c) CERTIFICATE OF ACKNOWLEDGMENT.—A certificate”;

(4) in the first undesignated paragraph following subsection (c), as so designated by paragraph (3) of this section, by striking “An interest” and inserting the following:

“(d) EFFECT OF ASSIGNMENT.—An interest”.

SA 1741. Mr. LEAHY (for himself and Mr. TILLIS) submitted an amendment intended to be proposed by him to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical sup-

ply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PATENTS.

(a) IN GENERAL.—Chapter 30 of title 35, United States Code, is amended—

(1) in section 302, in the first sentence, by inserting “or on the basis of credible evidence that any such claim was obtained through fraud” after “section 301”;

(2) in section 303—

(A) in subsection (a)—

(i) in the first sentence, by inserting “or enforceability” after “patentability”; and

(ii) in the second sentence, by inserting “, or a substantial new question of enforceability is raised by credible evidence of fraud,” after “patents and publications”; and

(B) in subsection (c), in the first sentence, by inserting “or enforceability” after “patentability”;

(3) in section 304, in the first sentence, by inserting “or enforceability” after “patentability”; and

(4) in section 307—

(A) in the section heading, by inserting “unenforceability,” after “unpatentability,”; and

(B) in subsection (a), by inserting “or unenforceable” after “unpatentable”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 30 of title 35, United States Code, is amended by striking the item relating to section 307 and inserting the following:

“307. Certificate of patentability, unpatentability, unenforceability, and claim cancellation.”.

SA 1742. Ms. SMITH (for herself and Mr. CASSIDY) submitted an amendment intended to be proposed by her to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title I of division F, insert the following:

SEC. 61. ESSENTIAL GENERIC ANTIBIOTIC PROGRAM.

(a) GRANT PROGRAM.—

(1) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, the Secretary shall establish a program to provide grants to manufacturers of essential generic antibiotic drugs, or the active pharmaceutical ingredient or articles used as components of such drug, to support activities described in paragraph (3).

(2) ELIGIBLE ENTITIES.—The Secretary shall award grants under this subsection to not more than 3 manufacturers of an essential generic antibiotic drug. Each such recipient shall be a manufacturer that—

(A) has implemented and maintains an effective quality management system, under parts 210 and 211 of title 21, Code of Federal Regulations (or any successor regulations);

(B) has a strong record of compliance with the requirements of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.);

(C) commits to using advanced manufacturing in its domestic manufacturing operations; and

(D) has existing manufacturing facilities and operations in the United States.

(3) USE OF FUNDS.—A recipient of a grant under this subsection may use such grant funds to—

(A) with respect to manufacturing an essential generic antibiotic drug—

(i) expand, upgrade, or recommission an existing manufacturing facility located in the United States; or

(ii) construct a new manufacturing facility in the United States; and

(B) manufacture essential generic antibiotic drugs using advanced manufacturing techniques.

(b) USE OF FUNDS TO PURCHASE ESSENTIAL GENERIC ANTIBIOTIC DRUGS FOR STOCKPILING.—The Secretary may use amounts appropriated under this section to purchase, store, stockpile, or disposition essential generic antibiotic drugs manufactured in the United States.

(c) DEFINITIONS.—For purposes of this section:

(1) ACTIVE PHARMACEUTICAL INGREDIENT.—The term “active pharmaceutical ingredient” has the meaning given such term in section 744A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-41).

(2) ADVANCED MANUFACTURING.—The term “advanced manufacturing” means an approach for the manufacturing of drugs that incorporates novel technology, or uses an established technique or technology in a new or innovative way, that enhances drug product quality or improves the manufacturing process.

(3) ESSENTIAL GENERIC ANTIBIOTIC DRUG.—The term “essential generic antibiotic drug” means an antibacterial or antifungal drug approved by the Food and Drug Administration under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)) that the Secretary determines to be medically necessary to have available at all times in an amount adequate to serve patient needs, including beta-lactams (including penicillin and cephalosporin derivatives) and non-beta lactams (including tetracycline and aminoglycoside derivatives).

(4) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

(5) UNITED STATES.—The term “United States” means the 50 States, the District of Columbia, territories, and Tribal lands.

(d) FUNDING.—For purposes of carrying out this section (other than subsection (e)), there is appropriated, out of amounts in the Treasury not otherwise appropriated, \$500,000,000 for fiscal year 2021, to remain available through September 30, 2023.

(e) STUDY AND REPORT.—

(1) IN GENERAL.—The Secretary shall enter into a contract with an entity under which such entity carries out a study on the manufacture of essential generic antibiotic drugs and issues a report that includes—

(A) recommendations about which antibiotics the Secretary should prioritize for purposes of the program under subsection (a), based on factors that include necessity of use, vulnerability to foreign supply chain disruptions, and availability of alternatives; and

(B) the expected effect of increased domestic manufacturing of drugs on drug costs to consumers.

(2) AUTHORIZATION.—To carry out this subsection, there is authorized to be appropriated \$2,000,000 for fiscal year 2021, to remain available until September 30, 2022.

SA 1743. Mr. PADILLA submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science